

## AGENDA

### COMMITTEE ON BILLS ON SECOND READING

**October 17, 2006**  
**Aldermen Duval, Lopez,**  
**Gatsas, Garrity, Pinard**

**5:15 PM**  
**Aldermanic Chambers**  
**City Hall (3<sup>rd</sup> Floor)**

1. Chairman Duval calls the meeting to order.
2. The Clerk calls the roll.
3. Ordinance amendment relative to revisions to Chapter 117 (Food Service Establishments Permit Fees) submitted by the Public Health Director.  
**Gentlemen, what is your pleasure?**
4. Ordinance:  
  
“Amending Section 33.054 (B) (2) (Overtime Compensation/Comp Time) of the Code of Ordinances of the City of Manchester.”  
  
*(Referred back to Committee by BMA on 10/03/2006.)*  
**Gentlemen, what is your pleasure?**
5. Ordinance:  
  
“Amending Section 33.076 (A), Special Leave of the Code of Ordinances of the City of Manchester.”  
  
*(Referred back to Committee by BMA on 10/03/2006.)*  
**Gentlemen, what is your pleasure?**

## **TABLED ITEMS**

**A motion is to remove any of the following items from the table for discussion.**

6. Ordinance:

“Amending the Zoning Ordinance of the City of Manchester by establishing the Manchester Landfill Groundwater Management Zone (ML-GMZ) Overlay District to monitor groundwater quality in the vicinity of Dunbarton Road and Front Street.”

*(Tabled 08/21/2006)*

7. Ordinance:

“Amending the Zoning Ordinance of the City of Manchester by adding language to Article 10.09B 2 regarding the use of front yard areas for parking in residential districts.”

*(Tabled 08/21/2006)*

8. Ordinance:

“Amending the Zoning Ordinance of the City of Manchester by adding language to 5.11 Table of Accessory Uses regarding the storage of unregistered automobiles.”

*(Tabled 08/21/2006)*

9. Ordinance:

“Amending the Building Code of the City of Manchester as adopted in Section 151.01 of the City of Manchester Code of Ordinances by repealing the 1999 National Electrical Code and adopting the 2005 edition of the National Electrical Code; by repealing the 1993 BOCA National Plumbing Code and adopting the 2000 edition of the International Plumbing Code as amended by the State of NH Board of Licensing and Regulation of Plumbers and with further amendments contained herein.”

*(Note: Electrical Code adopted by the BMA on 09/05/2006. Plumbing Code tabled in Committee on 08/21/2006.)*

10. Ordinance:

“Amending Chapter 1 Administration of the Building Code of the City of Manchester providing for increased fees.”  
*(Tabled 08/21/2006)*

11. Ordinance:

“Amending Chapter 150 Housing Code, Subsection 150.114 and Chapter 155 Zoning Code, Subsection 155.02 of the Code of Ordinances of the City of Manchester by providing for increased fees.”  
*(Tabled 08/21/2006)*

12. If there is no further business, a motion is in order to adjourn.

**To the Board of Mayor and Aldermen of the City of Manchester:**

The Committee on Administration/Information Systems respectfully recommends, after due and careful consideration, that a request of the Public Health Director for revisions to Chapter 117 of the Code of Ordinances relative to food establishment permit fees be approved and referred to the Committee on Bills on Second Reading for technical review.

*Unanimous vote with exception of Alderman Forest who was absent.*

Board of Mayor and Aldermen

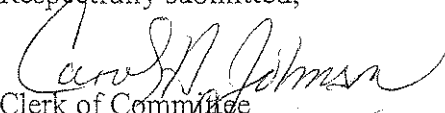
10/3/2006 \_\_\_\_\_ on a motion of Ald. O'Neil

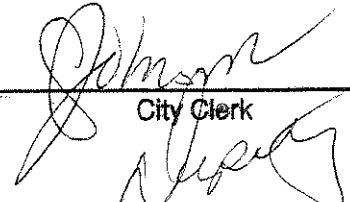
\_\_\_\_\_ seconded by Ald. Pinard the report

of the Committee was accepted and its recommendations

(adopted) ~~(denied)~~

Respectfully submitted,

  
Clerk of Committee

  
\_\_\_\_\_  
City Clerk



## CITY OF MANCHESTER

### Department of Health

1528 Elm Street  
Manchester, NH 03101-2106  
Telephone: (603) 624-6466  
Administrative & Environmental Health FAX (603) 628-6004  
Community Health FAX: (603) 665-6894  
School Health FAX: (603) 624-6584

July 21, 2006

Manchester Board of Mayor and Aldermen  
City Clerk's Office  
1 City Hall Plaza  
Manchester, NH 03101

RE: Revision to City ordinances relative to food service establishments

Gentlemen:

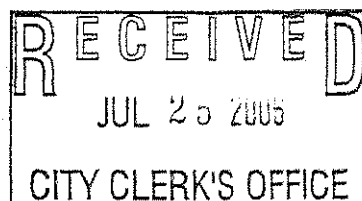
Attached hereto are proposed revisions to Chapter 117 of the City of Manchester Code of Ordinances relative to food establishment permit fees.

Over the past several months, the Health Department examined its food permit fees and has determined that some need to be updated to be in line with current costs for inspection and related services. These revisions were included as part of the anticipated revenue changes in the Health Department's FY 07 budget.

Our analysis found that our costs did not go up uniformly for all categories of food establishments. For example, the amount of time spent inspecting large restaurants and supermarkets, which typically have more complex operations, has increased, while the amount of time spent in smaller markets has generally remained the same or decreased. Over the past several years, heightened concerns about food safety from issues such as hepatitis A and *E. coli* 0157 have led to more work for the Department's food protection program.

Sincerely,

Frederick A. Rusczek, MPH  
Public Health Director



## CHAPTER 117: FOOD SERVICE ESTABLISHMENTS

### § 117.19 PERMIT FEE.

The fee for any permit application pursuant to this subchapter shall be in accordance with the following schedule:

Class	Description of Establishment	Fee
Class I	Food-service establishments having a seating capacity of 100 persons or greater; supermarkets	<del>\$330</del> \$500
Class I-A	Supermarket with bulk foods, salad bar, and/or food buffet	<del>400</del> 900
Class II	Food-service establishments having a seating capacity of greater than 25 but less than 100 persons; bakeries; warehouses; distributors; nursing homes; <del>canteen</del> -commissaries, <b>food processors</b> , markets with less than two prep areas	<del>265</del> 300
Class III-A	Markets selling only prepackaged food products; mobile food operations; <del>federally-inspected food processors</del> ; food service operations having a seating capacity of 25 persons or less; child day care facilities; <del>liquor lounges; bars</del>	<del>165</del> 180
Class III-B	Clubs incorporated under the laws of the State or which are affiliated with any national fraternal organization for the same members and bona fide guests of liquor <del>by the glass only</del>	<del>80</del> 100
Class IV	Temporary food-service establishments:	
Class IV-A	Locally based food establishment with current Health Department permit	<del>40</del> 50
Class IV-B	Establishments which do not possess a current Health Department permit or are located outside of the jurisdiction of the Manchester Health Department	<del>80</del> 100
Class V	Non-profit organizations not holding a liquor permit and not serving meals on a daily basis; public and parochial schools and institutions and governmental facilities	No fee

('71 Code, § 10-18) (Ord. passed 6-5-79; Am. Ord. passed 6-19-84; Am. Ord. passed 6-2-87; Am. Ord. Passed 6-5-90; Am. Ord. passed 6-4-96; Am. Ord. passed 9-4-01)

# City of Manchester New Hampshire

In the year Two Thousand and six

## AN ORDINANCE

“Amending Section 33.054 (B) (2) (Overtime Compensation/Comp Time) of the Code of Ordinances of the City of Manchester.”

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

I. Amend Section 33.054 (B) (2), Overtime Compensation/Comp Time, of the Code of Ordinances of the City of Manchester by deleting language stricken (---) and inserting new language as bolded (**bold**). Language of Section 33.054 (B) (2), not struck through or bolded remains unchanged.

### § 33.054 (B) (2) OVERTIME COMPENSATION/COMP TIME

(2) ~~Compensatory time off in lieu of overtime payment shall be at time and one half rate. Such compensatory time earned must be taken within one pay period following the dates earned or request for payment for overtime must be submitted for the employee by the department. Compensatory time shall not be accrued beyond the pay period following the overtime actually worked. Such compensatory time shall be used only to compensate employees who are on a 35 hour standard work week and work more than seven hours per day or more than 35 hours, but not over 40 hours in one week. All overtime worked beyond 40 hours in one week must be paid at the time and one half, except for executive, administrative and professional employees in exempt positions as defined in the administrative regulations.~~

(2) **Compensatory time off in lieu of overtime payment shall be at time and one half rate. The maximum amount of compensatory time that may be accrued is 80 hours. The Department Head shall determine whether it is in the best interest of the department to pay the employee for overtime or to allow the employee to accrue compensatory time. Compensatory time off may be granted by the Department when it least interferes with the efficient operation of the Department. Accrued compensatory time must be utilized prior to the employee terminating from employment.**

II. This Ordinance shall take effect upon its passage and all Ordinances or parts of Ordinances inconsistent therewith are hereby repealed.



# CITY OF MANCHESTER

## Human Resources Department

One City Hall Plaza  
Manchester, New Hampshire 03101  
Tel: (603) 624-6543 (V/TTY) • Fax: (603) 628-6065  
[www.ManchesterNH.gov](http://www.ManchesterNH.gov)



July 17, 2006

Alderman Ted Gatsas, Chairman  
Human Resource and Insurance Committee  
City of Manchester  
One City Hall Plaza  
Manchester, New Hampshire 03101

Re: Proposed Change to Ordinance 33.054(B)(2)  
Overtime Compensation/Compensatory Time

Dear Alderman Gatsas and Members of the Committee:

I would like to propose a change to the current Ordinance that provides for compensatory time in lieu of paid overtime. If you will refer to the attached document, you will see the current language which is in Ordinance 33.054(B)(2).

The current Ordinance requires that the employee must use the compensatory time prior to the end of the following pay period. Typically, overtime, or compensatory time is worked when there is a peak in the work load. One can not always predict precisely when that peak will end. Further, by establishing a maximum accrual, the Department Head will have the discretion to allow the employee to take the compensatory time off when it will least interfere with efficient operations of his/her department. This seems more reasonable than the current mandate.

Generally, by Federal law, employees may accrue compensatory time to a maximum amount of 240 hours. I am proposing eighty (80) hours for City employees. I am also proposing that all accrued compensatory time will have to have been taken prior to the employee terminating from City employment. This will ensure that we do not have an un-funded liability.

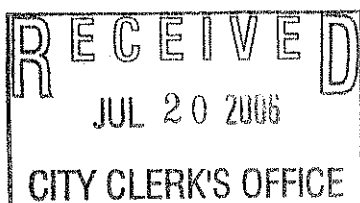
Your favorable approval of the change to the compensatory time Ordinance would be greatly appreciated.

Respectfully submitted,

*Virginia A. Lamberton*

Virginia A. Lamberton  
Human Resources Director

Attachment



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# CITY OF MANCHESTER

## Human Resources Department

One City Hall Plaza  
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www.ManchesterNH.gov



October 10, 2006

Alderman Jerome Duval, Chairman  
Bills on Second Reading  
City of Manchester  
One City Hall Plaza  
Manchester, New Hampshire 03101

Re: Proposed Change in Ordinance 33.054(B)(2)

Dear Alderman Duval and Members of the Committee:

At the Board of Mayor and Alderman meeting on Tuesday, October 3, 2006, Alderman DeVries expressed some concerns regarding the proposed change to Ordinance 33.054(B)(2), Compensatory Time. Therefore, the Board voted to send the proposed Ordinance back to your committee for further review and revision.

I have tried to capture her concerns and revise the proposed Ordinance. I am attaching a copy of the most recent proposal for compensatory time.

Respectfully submitted,

Virginia A. Lamberton  
Human Resources Director

Attachment

*(B) Overtime compensation for non-exempt salaried employees*

(1) (a) When a non-exempt salaried employee is required to work more than 40 hours in a week, he/she shall be compensated at one and one-half times his/her regular hourly rate for each hour or fraction of an hour of 30 minutes duration worked. There shall be no accrual of overtime worked beyond 40 hours per week and overtime shall not be pyramided, compounded, added together, or paid twice for the time worked.

(b) Employees who are assigned to a standard work week of less than 40 hours shall be compensated for hours worked beyond their standard hours per week at the overtime rate of straight time until they reach 40 hours and then their overtime rate shall be time and one-half their hourly rate, provided:

1. Such overtime work is authorized in advance, in writing, by the department head or designated authority.

2. A request for approval for payment of overtime is submitted through the established administrative procedure.

(2) Compensatory time off in lieu of overtime payment shall be at the time and one-half rate. Such compensatory time earned must be taken within one pay period following the dates earned or request for payment for overtime must be submitted for the employee by the department. Compensatory time shall not be accrued beyond the pay period following the overtime actually worked. Such compensatory time shall be used only to compensate employees who are on a 35-hour standard work week and work more than seven hours per day or more than 35 hours, but not over 40 hours, in one week. All overtime worked beyond 40 hours in one week must be paid at the time and one-half rate, except for executive, administrative, and professional employees in exempt positions as defined in the administrative regulations.

(3) Police personnel, except executives, administrative, and professional positions as defined in the administrative

regulations shall be compensated for authorized overtime by payment of such overtime and one and one-half times their normal rate of pay. Overtime qualifying for compensation at time and one-half shall be work performed in excess of the normal eight hour relief or in excess of the regular 40-hour work week, but overtime shall not be pyramided, compounded, added together, or paid twice for the same time worked. Court appearances, election details, and roll call time shall be excluded from the above provisions for overtime payment.

(4) Fire Department classes assigned to the Class Code 9000 series of the occupational list of class titles are not included in the overtime provisions of this section.

(C) *Hourly employees.* Employees in the labor and trades group paid on an hourly basis shall be paid at one and one-half times their regular rate for any hours worked beyond 40 per week or eight per day when authorized in accordance with division (A) of this section.

(D) *Effect of holidays on work week.* When a holiday is observed during any employee's work week, such holiday will have the effect of reducing the work week by seven or eight hours for each holiday observed for the purpose of complying with the overtime provisions for payment at the overtime rate for work performed beyond the normal work week.

(E) *Work performed on Sundays.* Any employee in the labor and trades group whose position is designated as non-exempt under FLSA provisions and who is required to perform work on a Sunday shall be compensated at a rate of time and one-half their regular rate of pay for each hour worked, provided that such Sunday work is not part of their regular work schedule.

(F) *Witness duty fees.* The city shall supplement witness fees paid by the judiciary to city employees who are required by their employment to testify in cases before the courts and who are required to appear as a witness during their off-duty hours. Such witness duty supplemental fees shall be established by the Board of Mayor and Aldermen. The witness duty

## PROPOSED CHANGE IN ORDINANCE

### Overtime Compensation/Comp Time 33.054(B)(2)

#### Current language:

- (2) Compensatory time off in lieu of overtime payment shall be at time and one half rate. Such compensatory time earned must be taken within one pay period following the dates earned or request for payment for overtime must be submitted for the employee by the department. Compensatory time shall not be accrued beyond the pay period following the overtime actually worked. Such compensatory time shall be used only to compensate employees who are on a 35 hour standard work week and work more than seven hours per day or more than 35 hours, but not over 40 hours in one week. All overtime worked beyond 40 hours in one week must be paid at the time and one half rate, except for executive, administrative and professional employees in exempt positions as defined in the administrative regulations.

#### Proposed language:

- (2) Compensatory time off in lieu of overtime payment shall be at time and one half rate. The maximum amount of compensatory time that may be accrued is 80 hours. The Department Head shall determine whether it is in the best interest of the department to pay the employee for overtime or to allow the employee to accrue compensatory time. Compensatory time off may be granted by the Department when it least interferes with the efficient operation of the Department. Accrued compensatory time must be utilized prior to the employee terminating from employment.

#### Updated Proposed Language:

- (2) Compensatory time off in lieu of overtime payments shall be at time and one half for non-exempt employees. The maximum amount of compensatory time that may be accrued is 80 hours. When a Department Heads determines that there is a need for overtime, he shall offer affected employees the option of accruing compensatory time or being paid over time if funds are available. Compensatory

time off may be granted when it least interferes with the efficient operation of the Department. Accrued compensatory time must be utilized prior to the employee terminating from employment.

# City of Manchester New Hampshire

*In the year Two Thousand and*      six

## AN ORDINANCE

“Amending Section 33.076 (A), Special Leave of the Code of Ordinances of the City of Manchester.”

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

- I. Amend Section 33.076 (A) Special Leave, of the Code of Ordinances of the City of Manchester by deleting language stricken (---) and inserting new language as bolded (**bold**). Language of Section 33.076 (A) not struck through or bolded remains unchanged.

### § 33.076 (A) SPECIAL LEAVE

(A) ~~In addition to other leaves authorized by this subchapter, a department head with approval of the Mayor, may authorize an employee to be absent without pay for personal reasons for a period or periods not to exceed ten work days in any calendar year.~~

(A) **In addition to other leaves authorized by this subchapter, a department head shall be authorized to grant an employee up to 90 days without pay in a calendar year.**

- II. This Ordinance shall take effect upon its passage and all Ordinances or parts of Ordinances inconsistent therewith are hereby repealed.

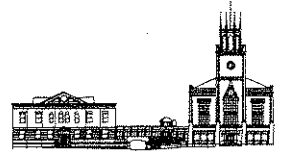




# CITY OF MANCHESTER

## Human Resources Department

One City Hall Plaza  
Manchester, New Hampshire 03101  
Tel: (603) 624-6543 (V/TTY) • Fax: (603) 628-6065  
[www.ManchesterNH.gov](http://www.ManchesterNH.gov)



July 18, 2006

Alderman Ted Gatsas, Chairman  
Human Resource and Insurance Committee  
City of Manchester  
One City Hall Plaza  
Manchester, New Hampshire 03101

Re: Proposed Change to Ordinance 33.076(A), Special Leave

Dear Alderman Gatsas and Members of the Committee:

Currently, a Department Head, with concurrence of the Mayor, is only authorized to grant an employee ten days without pay in any calendar year. Any additional time off without pay beyond the ten days as authorized by this Ordinance, must have the approval of the Board of Mayor and Aldermen.

Leave without pay is typically due to an employee's own illness or the serious illness of an immediate family member. Occasionally, there will be other circumstances, but most often the time is needed for serious health problems.

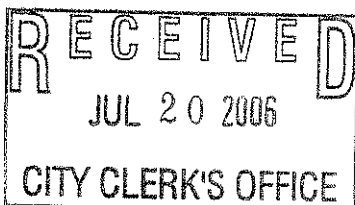
Section 3.04, Authority, in the City Charter gives a Department Head exclusive authority within their departments in personnel matters. It would seem appropriate to have a Department Head make the determination as to whether or not he/she can or can not grant an employee up to ninety (90) days off without pay. Any additional time off beyond the ninety (90) days in a calendar year, would require approval from the Board of Mayor and Aldermen.

Your favorable approval of this change would be greatly appreciated.

Respectfully submitted,

Virginia A. Lamberton  
Human Resources Director

Attachment



5

# City of Manchester New Hampshire

*In the year Two Thousand and Six*

## AN ORDINANCE

“Amending the Zoning Ordinance of the City of Manchester by establishing the Manchester Landfill Groundwater Management Zone (ML-GMZ) Overlay district to monitor groundwater quality in the vicinity of Dunbarton Road and Front Street.”

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

SECTION 1. Amending the Zoning Ordinance of the City of Manchester by establishing the Manchester Landfill Groundwater Management Zone (ML-GMZ) Overlay District to monitor groundwater quality in the vicinity of Dunbarton Road and Front Street.

### SECTION II. **Article 3.03 Definition of Terms**

Groundwater: Subsurface water that occurs beneath the water table in soils and geologic formations.

Groundwater Management Zone: Designated by the State through permit process as a component of the remediation of contaminated groundwater. The State shall issue permits or other similar controls for such zones that establish a time period and process for the remediation of the groundwater.

### SECTION III. **Article 4.01 B Overlay Districts**

#### 4.01 B. 9 Manchester Landfill Groundwater Management Zone (ML-GMZ)

The purpose of this overlay district is to protect public health by restricting groundwater use. The groundwater quality is being monitored under a permit issued by New Hampshire Department of Environmental Services (NHDES). Pumping of groundwater from any well, trench, or other structure for residential, irrigation, agricultural, or industrial purpose is prohibited, unless it is for the specific purpose of pumping groundwater out of a sump to keep a cellar from flooding. The extent of the District shall be as referenced by NHDES Permit as the Manchester Landfill Groundwater Management Zone.

### SECTION IV. **Article 4.02 Official Zoning Maps**

4.02.A “...In addition to the base districts, the map includes the *Residential-Professional Office (R-PO) Overlay districts* and the *Historic Districts Overlay districts*, the *Arena Overlay district*, and the *Manchester Landfill-Groundwater Management Zone (ML-GMZ) Overlay district*. The Airport Navigational....”

h

# City of Manchester New Hampshire

*In the year Two Thousand and*

*Six*

## AN ORDINANCE

“Amending the Zoning Ordinance of the City of Manchester by establishing the Manchester Landfill Groundwater Management Zone (ML-GMZ) Overlay district to monitor groundwater quality in the vicinity of Dunbarton Road and Front Street.”

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

### SECTION V. **Article 7 Special District-Wide Regulations**

#### 7.10 Manchester Landfill Groundwater Management Zone (ML-GMZ)

##### A. Authority for the ML-GMZ Overlay

The Manchester Landfill Groundwater Management Zone is adopted pursuant to Section 1.03, Authority, of this Ordinance, and in accordance with the provisions of RSA 674:21, Innovative Land Use Controls. Monitoring wells and surface water sampling stations constitute remediation activities and ML-GMZ Overlay district is considered to be an innovative land use control as environmental characteristics zoning.

##### B. Establishment of the ML-GMZ Overlay

The Manchester Landfill Groundwater Management Zone Overlay is established in accordance with, and for the purposes so stated in Section 4.01, Establishment and Purpose of Districts, of this Ordinance. It encompasses lands in NHDES Manchester Landfill Groundwater Management Zone Permit as indicated on the Overlay Map Manchester Landfill Groundwater Management Zone adopted pursuant to Section 4.02 (A) Official Zoning Base District Map, of this Ordinance.

The Manchester Landfill Groundwater Management Zone Overlay Map displays those parcels effected by groundwater contamination by virtue of lying downgradient of the City landfill. Withdrawal of groundwater from this area is prohibited (see Article 4.01 B.9) in the interest of public health, safety, and general welfare. The area contains monitoring wells and surface water sampling stations that survey the remediation of degraded groundwater supplies. The extent of the area is referenced by NHDES Permit.

##### C. Uses Prohibited within the ML-GMZ Overlay

Pumping of groundwater from any well, trench, sump, or other structure for residential, irrigation, agricultural, or industrial purpose is prohibited, unless it is for the specific purpose of pumping groundwater out of a sump to keep a cellar from flooding.

SECTION VI. Resolve this ordinance shall take effect upon passage.

h





**City of Manchester  
Department of Highways**

227 Maple Street  
Manchester, New Hampshire 03103-5596  
(603) 624-6444 Fax # (603) 624-6487

**Commission**

Edward J. Beleski  
- Chairman  
Joan Flurey  
William F. Houghton Jr.  
Robert R. Rivard  
William A. Varkas

Frank C. Thomas, P.E.  
Public Works Director

Kevin A. Sheppard, P.E.  
Deputy Public Works Director

September 25, 2006

Committee on Bills on Second Reading  
of the Honorable Board of Mayor and Aldermen  
CITY OF MANCHESTER  
One City Hall Plaza,  
Manchester, New Hampshire 03101

**Attn:** Alderman Jerome Duval, Chmn.

**Re:** *Agenda Item #7 – Landfill Groundwater Management Zone*

Dear Committee Members:

I am requesting that your agenda Item #7 remain on the table at this time. In coordination with Alderman Forest, we are currently in the process of scheduling an informational meeting with all property owners within the proposed Landfill Groundwater Management Zone.

We have tentatively scheduled the meeting for Thursday, October 19<sup>th</sup>, therefore we anticipate reporting back to the committee at your next scheduled meeting.

Sincerely,

Kevin A. Sheppard, P.E.  
Deputy Public Works Director

/cd

cc: Frank C. Thomas, P.E.  
Alderman Armand Forest  
Joanne McLaughlin

6

# City of Manchester New Hampshire

*In the year Two Thousand and Six*

## AN ORDINANCE

"Amending the Zoning Ordinance of the City of Manchester by adding language to Article 10.09B.2 regarding the use of front yard areas for parking in residential districts."

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

SECTION I.) Amending the Zoning Ordinance of the City of Manchester by adding a second sentence to Article 10.09B.2 Front yard that reads: "*One additional parking space may be provided within a paved area adjacent to a driveway, provided that the additional space is outside the required minimum front yard setback.*"

SECTION II.) Resolve this Ordinance shall take effect upon passage.



Leon L. LaFreniere  
Building Commissioner

## CITY OF MANCHESTER DEPARTMENT OF BUILDINGS

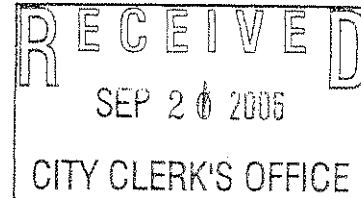
One City Hall Plaza  
Manchester, New Hampshire 03101  
Tel: (603) 624-6475  
Fax: (603) 624-6324



Matthew M. Sink  
Deputy Bldg. Commissioner

September 21, 2006

Committee on Bills on Second Reading  
One City Hall Plaza  
Manchester, NH



Re: Zoning Ordinance amendments

Dear Honorable Committee Members,

After input from the committee during last month's public hearing, we would like to request the following changes to the proposed Zoning Ordinance amendments:

Section 10.09 B.2, Front yard parking

After additional consideration, it was determined that the proposal in its current form would only benefit a small percentage of properties and we therefore are withdrawing the request at this time for further study and possible resubmittal at a later date.

Section 5.11, Table of Accessory Uses

We are proposing that the amendment to item K.2 be revised to change the term "otherwise non-roadworthy" to "uninspected" in order to avoid any ambiguity. The revised ordinance amendment is submitted herewith.

Thank you for your consideration of these matters.

Sincerely,

Matthew M. Sink  
Deputy Director

enclosure

7

# City of Manchester New Hampshire

*In the year Two Thousand and Six*

## AN ORDINANCE

“Amending the Zoning Ordinance of the City of Manchester by adding language to 5.11 Table of Accessory Uses regarding the storage of unregistered automobiles.”

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

SECTION I.) Amending the Zoning Ordinance of the City of Manchester by adding language to 5.11 K2 of the Table of Accessory Uses so that it reads: “Accessory storage of one trailer, one unregistered *or uninspected* automobile or one boat.”

SECTION II.) Resolve that this ordinance shall take effect upon passage.

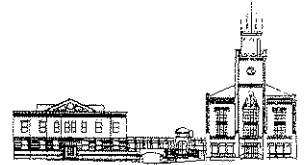
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Leon L. LaFreniere  
Building Commissioner

## CITY OF MANCHESTER DEPARTMENT OF BUILDINGS

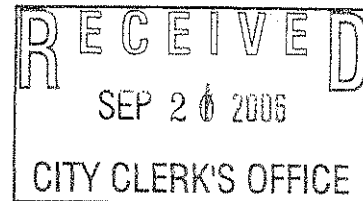
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Matthew M. Sink  
Deputy Bldg. Commissioner

September 21, 2006

Committee on Bills on Second Reading  
One City Hall Plaza  
Manchester, NH



Re: Zoning Ordinance amendments

Dear Honorable Committee Members,

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Section 10.09 B.2, Front yard parking

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Section 5.11, Table of Accessory Uses

We are proposing that the amendment to item K.2 be revised to change the term "otherwise non-roadworthy" to "uninspected" in order to avoid any ambiguity. The revised ordinance amendment is submitted herewith.

Thank you for your consideration of these matters.

Sincerely,

Matthew M. Sink  
Deputy Director

enclosure

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# City of Manchester New Hampshire

*In the year Two Thousand and*

## AN ORDINANCE

“Amending the Building Code of the City of Manchester as adopted in Section 151.01 of the City of Manchester Code of Ordinances by repealing the 1999 National Electrical Code and adopting the 2005 edition of the National Electrical Code; by repealing the 1993 BOCA National Plumbing Code and adopting the 2000 edition of the International Plumbing Code as amended by the State of NH Board of Licensing and Regulation of Plumbers and with further amendments contained herein.”

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

**SECTION 1.** Certain documents, two (2) copies of each which are on file in the Office of the City Clerk of the City of Manchester being marked and designated as the *2005 National Electrical Code* and *2000 International Plumbing Code* as published by the International Code Council, Inc., be and are hereby adopted as the *Electrical Code* and *Plumbing Code* of the City of Manchester in the State of New Hampshire, and each and all of the regulations, provisions, penalties, conditions and terms of said *Electrical Code* and *Plumbing Code* are hereby referred to, adopted and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes prescribed in Section 2 of this Ordinance.

**SECTION 2.** The following sections are hereby amended as follows:  
(Note: Old text shown as struck-through; new text shown italicized.)

### CHAPTER 1 ADMINISTRATION

**101.4.1 Electrical.** The provisions of NFPA 70 (National Electrical Code), 1999 *2005* Edition, and or/ such regulations administered by the State of New Hampshire Electricians Licensing Board shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

**101.4.4 Plumbing.** The design and installation of plumbing systems, including sanitary and storm drainage, sanitary facilities, water supplies and storm water and sewage disposal in buildings, shall comply with the provisions of the *BOCA National Plumbing Code, 1993 2000* Edition of the *International Plumbing Code*. Additional requirements as adopted by the State of New Hampshire ~~Plumbers Licensing Board of Licensing and Regulation of Plumbers~~ (RSA 329-A), and the Sewer Use Ordinance of the City of Manchester, NH shall also be adhered to. Private sewage disposal systems shall meet the requirements of RSA 149-E and the regulations of the Manchester Board of Health.

### CHAPTER 27 ELECTRICAL.

**2701.1 Scope.** All such installations shall conform to the provisions of NFPA 70 (National Electric Code), 1999 *2005* Edition, and/or such regulations administered by the State of New Hampshire Electricians Licensing Board, whichever shall be deemed more stringent.

**2702.1 Installation.** Emergency and standby power systems shall be installed in accordance with the NFPA 70 (National Electrical Code), *2005* Edition, NFPA 110 and NFPA 111.

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BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester,  
as follows:

### CHAPTER 29 PLUMBING SYSTEMS

Delete Section 2901.1 in its entirety, and substitute the following:

**2901.1 Scope:** The design and installation of plumbing systems, including sanitary and storm drainage, sanitary facilities, water supplies and storm water and sewage disposal in buildings, shall comply with the requirements of this chapter and the BOCA International Plumbing Code, 1993 2000 Edition. Additional requirements as adopted by the State of New Hampshire Plumbers Licensing Board (RSA 329-a), and the Sewer Use Ordinance of the City of Manchester, NH, shall also be adhered to. Private sewage disposal systems shall meet the requirements of RSA 149-E and the regulations of the Manchester Board of Health.

The following amendments shall be made part of the Plumbing Code:

~~2000-International-Plumbing-Code-International Plumbing Code 2000 Edition~~

**Section 312.3 Drainage and Vent Air Test.** Amend by adding to the second sentence:

"This pressure shall be held for a test period of at least 15 minutes *"by using a low pressure (0-5 lbs.) gauge"*.

**Section 419 Urinals.** Amend by adding a new subsection:

*"419.4 Public and Employee Facilities" "Urinals without visible water trap seals shall not be permitted in public or employee restrooms."*

**Section 501.2 Water Heater as Space Heaters.** Amend the first sentence to read as follows:

"Where a combination potable water heating and space heating system requires water for space heating at temperatures higher than 140° F (60° C), a tempering valve shall be provided to limit the water supplied to the potable hot water distribution system to a temperature of 140° F (60° C) 130° F (54.4° C) maximum."

**Section 501.6 Water Temperature Control in Piping from Tankless.** Amend the first sentence to read as follows:

The temperature of water from tankless water heaters shall be a maximum of 140° F (60° C) 130° F (54.4 C) when intended for domestic uses *and shall be accomplished with the use of a mixing valve conforming to ASSE 1017.*

**Section 501.8 Temperature Controls.** Amend to read as follows:

"All hot water storage and supply systems shall be set to a minimum of 140° F (60° C), and shall be equipped with automatic temperature controls *and a mixing valve conforming to ASSE1017 to*

# City of Manchester New Hampshire

*In the year Two Thousand and*

## AN ORDINANCE

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BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

*limit the water supplied to the potable hot water distribution system to a temperature of 130° F (54.4° C) maximum."*

**Section 504.1 Antisiphon Devices.** Amend to read as follows:

~~"An approved means, such as a cold water "dip" tube with a hole at the top or a "A" vacuum relief valve installed in the cold water supply line above the top of the heater or tank shall be provided to prevent siphoning of any storage water heater or tank.~~

**Table 605.4 Water Service Pipe.** Amend line 5 to read as follows:

Copper or copper-alloy tubing (Type K, WK, L, WL, M ~~OR~~ WM).

**Table 605.5 Water Distribution Pipe.** Amend line 4 to read as follows:

Copper or copper-alloy tubing (Type K, WK, L, WL, M ~~or~~ WM).

**Table 702.2 Underground Building Drainage and Vent Pipe.** Delete lines 5 and 7 in their entirety and amend line 9 to read as follows:

Copper or copper alloy tubing (Type K, L, M ~~or~~ DWV).

**Section 905.6 Vent for Future Fixtures.** Amend by deleting entire paragraph and replacing it with the following:

*"Within any habitable or occupiable spaces at the lowest level of a structure where plumbing fixtures are not installed, there shall be made available an accessible vent connection, not less than 2" in diameter, which is properly connected to the vent system to provide for future venting."*

**Section 912.2 Combination Drain & Vent System.** Amending the first sentence to read as follows:

A combination drain and vent system shall not serve fixtures other than floor drains, standpipes, sinks and lavatories *"and may be installed only when approved by the Authority having jurisdiction."*

**Section 917 Air Admittance Valves.** Delete Sections 917.2 through 917.8 and amend 917.1 to read as follows:

*"Vent systems utilizing air admittance valves shall be allowed only where part of an engineered system designed by an engineer, licensed to practice in New Hampshire, or as approved by the Authority having jurisdiction."*

**SECTION 3.** This Ordinance shall take effect upon its passage.



AMENDMENTS  
To the  
2000 International Plumbing Code  
*effective August 13, 2004*

CHAPTER Plu 700 STATE PLUMBING CODE

PART Plu 701 NATIONAL CODE REFERENCE

Plu 701.01 International Plumbing Code. As per RSA 329-A:15, I and II, the board hereby adopts by reference the International Plumbing Code, 2000 Edition, as published in cooperation with the Building Officials and Code Administrators International, Inc., the International Conference of Building Officials, and the Southern Building Code Congress International, Inc., as amended by Plu 701.02.

Plu 701.02 New Hampshire Amendments to the International Plumbing Code. The following amendments shall apply to the code incorporated:

**101.0 Title.** These regulations shall be known as the *International Plumbing Code of New Hampshire* hereinafter referred to as "this code".

**101.2 Scope .** The provisions of this code shall apply to the erection, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of plumbing systems within this jurisdiction. The installation of fuel gas distribution piping and equipment, fuel gas-fired water heaters, and water heater venting systems shall be regulated by the *International Fuel Gas Code* . Provisions in the appendices shall not apply unless specifically adopted.

**104.2 Rule-Making Authority.** The code official shall have authority as necessary in the interest of public health, safety and general welfare to adopt and promulgate *written* rules and to interpret and implement the provisions of this code to secure the intent thereof and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this code, or of violating accepted engineering practice involving public safety.

**106.6.2 Fee schedule.** The fees for all plumbing work shall be as indicated in the *Administrative Rules Plu 306.01 and/or by local jurisdiction*.

**106.6.3 Fee refunds .** Delete this section in its entirety.

**108.4 Violation penalties.** Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair plumbing work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall ***be subject to the penalties prescribed by RSA 155-A:8 and RSA 329-A:18,II.***

**108.5 Stop work orders.** Upon notice from the code official, work on any plumbing system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or, to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall comply with ***RSA 155-A:8 and RSA 329-A:17.***

**305.6.1 Sewer depth.** Building sewers that connect to private sewage disposal systems shall *conform to RSA 485-A relative to minimum depth below finished grade. Building sewers that connect to public sewers shall be a minimum depth of 4 feet below grade or adequately insulated to afford the same protection whenever a condition arises that the 4 feet cannot be attained.*

**403.2 Separate facilities** . Where plumbing fixtures are required, separate facilities shall be provided for each sex.

#### **Exceptions**

1. Separate facilities shall not be required for private facilities.
2. Separate employee facilities shall not be required in occupancies in which 15 or less people are employed.
3. Separate facilities shall not be required in structures or tenant spaces with a total occupant load, including both the employees and customers, of 15 or less.

**4. Separate facilities shall not be required in mercantile occupancies in which the maximum occupant load is 50 or less.**

**5. Separate facilities shall not be required in assembly occupancies that serve food with a total occupant load, including both employees and customers of less than 25.**

**605.12.2 Solvent cementing.** Joint surfaces shall be clean and free from moisture. A purple primer that conforms to ASTM F 656 shall be applied. Solvent cement not purple in color and conforming to ASTM D 2564 or CSA CAN/CSA-B137.3 shall be applied to all joint surfaces. The joint shall be made while the cement is wet and shall be in accordance with ASTM D 2855. Solvent-cement joints shall be permitted above or below ground.

**701.2 Sewer required.** Every building in which plumbing fixtures are installed and all premises having drainage piping shall be connected to a public sewer, where available, or an approved private sewage disposal system in accordance with **RSA 485-A:29-44.**

**705.8.2 Solvent cementing.** Joint surfaces shall be clean and free from moisture. A purple primer that conforms to ASTM F 656 shall be applied. Solvent cement not purple in color and conforming to ASTM D 2564, CSA CAN/CSA-B137.3, CSA CAN/CSA-B181.2 or CSA CAN/CSA-B182.1 shall be applied to all joint surfaces. The joint shall be made while the cement is wet and shall be in accordance with ASTM D 2855. Solvent-cement joints shall be permitted above or below ground.

**705.14.2 Solvent cementing.** Joint surfaces shall be clean and free from moisture. A purple primer that conforms to ASTM F 656 shall be applied. Solvent cement not purple in color and conforming to ASTM D 2564, CSA CAN/CSA-B137.3, CSA CAN/CSA-B181.2 or CSA CAN/CSA-B182.1 shall be applied to all joint surfaces. The joint shall be made when the cement is wet and shall be in accordance with ASTM D 2855. Solvent-cement joints shall be permitted above or below ground.

**904.1 Roof extensions.** All open vent pipes that extend through a roof shall be terminated at least **12"** above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent extension shall be run at least 7 feet (213 mm) above the roof.

# City of Manchester New Hampshire

*In the year Two Thousand and Six*

## AN ORDINANCE

**“Amending Chapter 1 Administration of the Building Code of the City of Manchester providing for increased fees”**

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

**I. Section 108 FEES of the Building Code of the City of Manchester is hereby amended as follows: (Note: Old text shown as struck-through; new text shown italicized.)**

### **108.8 Fee Schedule**

#### **1) Building Permits**

- (B) For all other new buildings and structures, and additions to existing buildings and structures, the permit fee shall be the estimated cost of the work multiplied by ~~.008~~ *.010*.

#### **8) Heating/Cooling Equipment**

**Adding a new sub-section:**

##### *E) Ventilation ductwork:*

- 1) up to 400 CFM - \$15.00*
- 2) each additional 400 CFMs - \$10.00*

#### **9) Plumbing**

- A) For each fixture installed or replaced - ~~\$4.00~~ *\$5.00***

**NOTE:** The following shall be deemed to be separate fixtures:

- \* Each water closet, lavatory, dishwasher, washing machine connection, water filter, water cooler, garbage disposal, sump pump, ejector pump, sterilizer or dental chair
- \* Each combination fixture
- \* Each 1,2, or 3 compartment sink
- \* Each 3 feet or fraction thereof of gang shower length
- \* Each interior or exterior drain

# City of Manchester New Hampshire

*In the year Two Thousand and Six*

## AN ORDINANCE

**"Amending Chapter 1 Administration of the Building Code of the  
City of Manchester providing for increased fees"**

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester,  
as follows:

### **12) Elevators, Escalators, Amusement Devices & Special Equipment**

#### **A) Elevators**

#### **Adding a new subsection:**

*(3) Initial compliance inspection for devices not  
subject to State of New Hampshire permitting* **\$150.00**

**II.** This Ordinance shall take effect upon its passage.

# City of Manchester New Hampshire

*In the year Two Thousand and Six*

## AN ORDINANCE

**“Amending Chapter 150 Housing Code, Subsection 150.114 and Chapter 155 Zoning Code, Subsection 155.02 of the Code Of Ordinances of the City of Manchester providing for increased fees.”**

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

**I. The following Chapters of the City of Manchester Code of Ordinances are hereby amended as follows: (Note: old text shown as struck-through, new text shown italicized.)**

### **Chapter 150 Housing Code**

#### **Section 150.114 Fees; Exemptions**

(A) The following fees shall be charged by the Department:

1) Application fee – ~~\$15~~ *\$25* per dwelling unit or rooming unit as part of each application for a certificate of compliance.

2) Inspection Fee

(a) Dwelling unit - ~~\$25.00~~ *\$35.00* per unit for each inspection to determine compliance;

(b) Rooming unit - ~~\$40.00~~ *\$15.00* per room for each inspection to determine compliance;

3) Re-inspection. For reinspection of a building:

(b) 2<sup>nd</sup> and subsequent reinspections – ~~\$20.00~~ *\$25.00*

(c) In addition, after a second reinspection, the fee shall increase by ~~\$5.00~~ *\$10.00* for each subsequent reinspection

4) Unaccompanied inspection or reinspection - ~~\$30.00~~ *\$50.00* for each inspection or reinspection at which a building owner or his representative is not present unless such arrangement has been agreed to in advance

5) Transfer of Ownership - ~~\$25.00~~ *\$35.00* per certificate to assign a certificate of compliance to a new owner

6) Replacement of certificate and permit - ~~\$15.00~~ *\$25.00* per document for replacing an existing certificate of compliance, interim rental permit or transfer permit

7) Transfer Permit. Each application for a transfer permit:

a) One to four dwelling or rooming units – ~~\$100.00~~ *\$125.00*

b) Five to eight dwelling or rooming units – ~~\$200.00~~ *\$250.00*

c) in addition, each unit in excess of eight units ~~\$15.00~~ *\$25.00* per unit

# City of Manchester New Hampshire

*In the year Two Thousand and Six*

## AN ORDINANCE

**“Amending Chapter 150 Housing Code, Subsection 150.114 and Chapter 155 Zoning Code, Subsection 155.02 of the Code Of Ordinances of the City of Manchester providing for increased fees.”**

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

8) Special Inspections – ~~\$60.00~~ *\$100.00* for each inspection and each additional unit over 4 units – ~~\$15.00~~ *\$25.00*

9) Extended Terms – ~~\$25.00~~ *\$50.00* per certificate to extend the expiration date of a certificate pursuant to an action of the Board.

### **Chapter 155 Zoning Code**

#### **155.02 Fees for Appeal to Board of Adjustment**

The following fees are hereby established for ~~variance applications and special exception Zoning Board of Adjustment~~ applications:

Change of use variance – ~~\$250~~ *\$350*

Multi-use variance – ~~\$250~~ *\$350*

Planned developments – ~~\$250~~ *\$350*

Nonconforming subdivisions – ~~\$250~~ *\$350*

Unaccepted way – ~~\$80~~ *\$350*

All others – ~~\$80~~ *variances, special exceptions, administrative appeals, equitable waivers - \$150*

Resubmittal by applicant – ~~\$10~~

Rehearing by abutter – ~~\$80~~ *and subsequent application requests - \$35*

Rehearing by applicant – ~~same as original appeal~~

II. This Ordinance shall take effect upon its passage.